GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Sri M.Mohammad Rafi, Full time contingent employee, O/o. CTO-I, Proddatur, Kadapa - Request for payment of minimum basic pay+DA–Orders of Hon'ble APAT, Hon'ble High Court, Hon'ble Supreme Court – Implementation of -Orders-Issued – Reg.

REVENUE (CT-I) DEPARTMENT

G.O.RT.No. 623 Dated: 29-05-2019

Read the following:

1. Order dated.27.12.2014 of APAT in OA.No.305/2012 filed by Sri M.Mohammad Rafi, Full time Contingent employee, O/o.CTO-1, Proddatur.
2. Govt. Memo.No.37762/CT.I(2)/2014-3, dated:23.11.2017.
3. Common orders dt.19.12.2017 of Hon'ble High Court in.WP.Nos.12415 of 2006 and 16399 of 2015.
4. From the CCST, Ref.No.C3/807/2015, dt.19.09.2017.
5. Govt. Memo.No.37762/CT.I(2)/2014-3, dated:23.11.2017.
6. From the CCST, Ref.No.C3/807/2015,Dated: 26/04/2018 received through their e-file No. C3-807-2015.
7. Govt.Memo.No.37762/CT.I(2)/2014-4,dated:04-05-2018.
8. Orders dated.20-08-2019 of the Hon'ble Supreme Court of India in SLP (Civil)__/2018 Dairy No.27919 of 2018 filed by the Commercial Taxes Department.
9. Letter from the CCST in Ref.No.C3/807/2015, Dated:28-09-2018.
10. Notice dated16-04-2019 in CA No.78 of 2019 in OA No.305 of 2012 received from the Assistant Registrar, APAT, Hyderabad.

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O R D E R:

In the reference 1st cited, the Hon'ble APAT in its orders dated:17-12-2014 in OA.No.305/2012 filed by Sri M.Mohammad Rafi, Full time contingent employee, O/o. CTO-I, Proddatur, Kadapa has passed the following orders:

"In view of the above facts and circumstances, I am of the view that the O.A. is squarely covered by the decision of the Hon'ble Supreme Court cited above. The applicant, in fact, is also entitled to the benefit of minimum basic pay plus D.A., as was given to the full time contingent employees, vide G.O.Rt.No.1122, dated. 16.08.2010. Therefore, there shall be a direction to the respondents to pay the salaries to the applicant with minimum basic pay plus D.A.with all consequential benefits, from the date of filing of this O.A., within a period of eight weeks from the date of receipt of a copy of this order".

2. In the reference 6th cited, the Commissioner of Commercial Taxes has stated that aggrieved by the above orders of APAT, the Commercial Taxes Department has filed WP.No.16399 of 2015. In this regard, the Hon'ble High Court has passed the interim orders dt.12.06.2015 in WPMP No.21308/2015 in WP.No.16399/2015 for payment of minimum basic pay to Sri M.Mohammad Rafi. Based on the interim direction of Hon'ble High Court in the WP, the individual is being paid basic pay of Rs.6,700/- only by the CTO, Proddatur. The Hon'ble High Court in its orders dated 19-12-2017 in WP.No.16399/2015 has dismissed said Writ Petition.

3. In the reference 9th cited, the Chief Commissioner of State Tax, Andhra Pradesh has stated that aggrieved by the above orders of Hon'ble High Court, Hyderabad, the Commercial Taxes Department has filed the SLP (Civil)_ /2018 Dairy No.27919 of 2018. The Hon'ble Supreme Court of India in its orders dated.20-08-2019 has dismissed the said SLP. Consequently, the orders of the Hon'ble APAT in OA.NO.305/2012 dated 17-12-2014 have become final. Therefore the Chief Commissioner of State Tax has requested the Government to issue necessary instructions on the orders dated 20-08-2018 of the Hon'ble Supreme Court of India i.e., with regard to implementation of Hon'ble APAT orders in OA.No.305/2012, dt:17-12-2014.

P.T.O

4. After careful examination of the matter, Government hereby direct the Chief Commissioner of State Tax, Andhra Pradesh to implement the orders dated 17-12-2014 of Hon'ble APAT in OA No.305 of 2012 filed by Sri M.Mohammad Rafi, Full Time Contingent Employee, O/o. CTO-I, Proddatur, Kadapa. As this case is being implemented in compliance with the orders of Hon'ble APAT which were confirmed by the Hon'ble High Court and Hon'ble Supreme Court and the orders are circumscribed to the petitioners in OA No.305 of 2012 only, the same are not to be cited as precedent in other cases.

5. This order is issued with the concurrence of Finance (FMU-REV) Department vide Fin.U.O.No.FMUOASD/66/2019, Dt:17-04-2019.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIAVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Chief Commissioner of State Tax, Andhra Pardesh, Edupugallu, Krishna District.
Copy to:
The Finance (FMU-REV) Department.
The Law Department.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER